

**STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES**

**IN THE MATTER OF:**

██████████  
██  
██

Reg. No.: 2014-11171  
Issue No(s): 1008; 2000; 3007; 6000  
Case No.: ██████████  
Hearing Date: December 5, 2013  
County: Wayne (35)

**ADMINISTRATIVE LAW JUDGE:** Susan C. Burke

**HEARING DECISION**

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on December 5, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, FIS.

**ISSUE**

Did the Department properly close Claimant's Family Independence Program (FIP) case and/or decrease Claimant's Food Assistance Program (FAP) benefits due to failure to participate in employment-related activities?

**FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On October 31, 2013, the Department sent Claimant a Notice of Noncompliance informing Claimant of a failure to participate in employment-related activities.
2. On October 31, 2013, 2013, the Department sent Claimant a Notice of Case Action closing Claimant's FIP case, effective December 1, 2013, due to failure to participate in employment-related activities without good cause, in particular, failing to attend a PATH appointment on October 21, 2013.
3. Claimant did not receive the PATH Appointment Notice.

4. Claimant's case was transferred from one office to another in October of 2013.
5. On November 4, 2013, Claimant requested a hearing regarding FIP, FAP, Medical Assistance (MA) and Child Development and Care (CDC).
6. At the hearing, Claimant stated she no longer requested a hearing regarding MA and CDC.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

In the present case, on October 31, 2013, the Department sent Claimant a Notice of Noncompliance informing Claimant of a failure to participate in employment-related activities. On October 31, 2013, the Department sent Claimant a Notice of Case Action

closing Claimant's FIP case, effective December 1, 2013, due to failure to participate in employment-related activities without good cause, in particular failing to attend a PATH appointment on October 12, 2013.

Claimant testified credibly that she did not receive the PATH Appointment Notice of October 12, 2013. In addition, the Department representative testified credibly that Claimant's case was transferred from one office to another in October of 2013, so it is likely that there was some confusion in the transfer of Claimant's file.

It is noted that the Department may have decreased Claimant's FAP benefits due to the sanction, but the Department representative was not certain that this occurred.

Claimant testified further at the hearing that she no longer requested a hearing regarding MA and CDC.

Based on the above discussion, I find that Claimant had good cause to not participate in employment-related activities.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, the Administrative Law Judge concludes that the Department

properly closed Claimant's FIP case.  improperly closed Claimant's FIP case and/or decreased Claimant's FAP benefits.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department

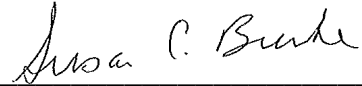
did act properly.  did not act properly.

Accordingly, the Department's decision is  AFFIRMED  REVERSED for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Remove the sanction from Claimant's case.
2. Initiate reinstatement of Claimant's FIP case and restoration of Claimant's FAP benefits, if Claimant's FAP benefits had been decreased, effective December 1, 2013.
3. Issue FIP and FAP supplements for any payment Claimant was entitled to receive, in accordance with Department policy.

It is FURTHER ORDERED that Claimant's hearing requests regarding MA and CDC are DISMISSED pursuant to Claimant's request at the hearing.



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**Susan C. Burke**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: December 10, 2013

Date Mailed: December 11, 2013

**NOTICE OF APPEAL:** The claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely Request for Rehearing or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request (60 days for FAP cases).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-07322

SCB/tm

cc:

[REDACTED]  
[REDACTED]  
[REDACTED]  
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